



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1994

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR94-846

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29747.

The City of Garland (the "city") has received a request for information relating to an employee selection process. You advise us that the city has made some of the requested information available to the requestor. You seek, however, to withhold the remaining information, which you have submitted to us for review, under section 552.122 of the Government Code.

Section 552.122 excepts in relevant part:

(a) A . . . test item developed by an educational institution that is funded wholly or in part by state revenue

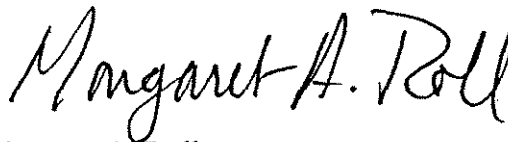
(b) A test item developed by a licensing agency or governmental body.

Gov't Code § 552.122. In Open Records Decision No. 626 (1994) (copy enclosed), this office determined that the term "test item" in section 552.122 "includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated," but does not encompass evaluations of an applicant's overall job performance or suitability. Open Records Decision No. 626, at 6. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. *Id.*

We have examined the information submitted to us for review. We conclude that some of this information encompasses evaluations of an applicant's suitability for employment and does not fall within the section 552.122 exception. We conclude that other information, however, constitutes test items. This type of information has been marked and may be withheld from required public disclosure under section 552.122 of the Government Code. The remainder of the submitted information must be made available to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 29747

Enclosures: Open Records Decision No. 626
Submitted documents

cc: Ms. Donna L. Korth
6109 Yellowstone Drive
Mesquite, Texas 75150
(w/o enclosures)